

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

RUFUS IDOWU,

Plaintiff,

vs.

WESLEY ASTHEIMER, et al.,

Defendants.

Case No: C 10-02672 SBA

ORDER DISMISSING ACTION

The Court previously granted Plaintiff until January 21, 2011, to file a Second Amended Complaint. 1/11/11 Order at 8, Dkt. 29. In its Order, the Court warned:

Should Plaintiff fail to timely file a Second Amended Complaint, the instant action will be dismissed and the file will be closed. However, the termination of this action will result in the dismissal with prejudice of any federal claims, but will *not* foreclose Plaintiff from pursuing any state law claims in state court.

Id. As of the date of this Order, Plaintiff has not filed a Second Amended Complaint. The Court construes Plaintiff's failure to do so as an indication that he does not desire to pursue any claims based on federal law against YRC, Inc. Accordingly,

IT IS HEREBY ORDERED THAT the instant action is DISMISSED, and the action shall be closed. Plaintiff's federal claims are DISMISSED WITH PREJUDICE as to YRC Inc. This Order does not prevent Plaintiff from pursuing causes of action based on state law in a state court.

IT IS SO ORDERED.

Dated: January 31, 2011


SAUNDRA BROWN ARMSTRONG
United States District Judge

UNITED STATES DISTRICT COURT

1 FOR THE
2 NORTHERN DISTRICT OF CALIFORNIA

3 RUFUS IDOWU,

4 Plaintiff,

5 v.

6 WESLEY ASTHEIMER et al,

7 Defendant.
8 _____/

9 Case Number: CV10-02672 SBA

10 **CERTIFICATE OF SERVICE**

11 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District
12 Court, Northern District of California.

13 That on January 31, 2011, I SERVED a true and correct copy(ies) of the attached, by placing said
14 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing
15 said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle
16 located in the Clerk's office.

17 Rufus Idowu
18 2912 14th Avenue #102
19 Oakland, CA 94606

20 Dated: January 31, 2011

21 Richard W. Wieking, Clerk

22 By: LISA R CLARK, Deputy Clerk
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